

THIS INSTRUMENT WAS PREPARED BY: MIKE T. ATCHISON, ATTORNEY
POST OFFICE BOX 822
COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA
SHELBY COUNTY

AFFIDAVIT

Before me, the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared, Thomas W. Paul, who after being by me first duly sworn deposes and says on oath as follows:

My name is Thomas W. Paul, and I am over the age of 21 years, and am familiar with the following facts:

I have been employed by the Trust/Natural Resources Department of AmSouth Bank of Alabama since September, 1969. My degree is in forestry and I have managed the following described property for many years, to-wit:

W 1/2 of the SW 1/4 of SE 1/4, Section 9, Township 22 South, Range 2 West, Shelby County, Alabama. Less and except 5 acres previously sold to F. M. Dansby.

It has been brought to my attention that there is a discrepancy in the descriptions contained in recent deeds to the property.

The above described property is owned by AmSouth Bank of Alabama, as Trustee under the Will of William G. Nichols; AmSouth Bank of Alabama as Trustee for Mary Louise Nichols Curtis; and Henry L. Nichols, Fred A. Nichols, and Joan Nichols Alexander. Alabama Cooperage Company obtained a deed recorded in Deed Book 47, Page 630, to the above described property. The property subsequently passed through the Estate of William G. Nichols to the present owners. In the course of these conveyances, the description was inadvertently changed to the "S 1/2 of the SW 1/4 of SE 1/4, Section 9, Township 22 South, Range 2 West, Shelby County, Alabama. Less and except 5 acres previously sold to F. M. Dansby."

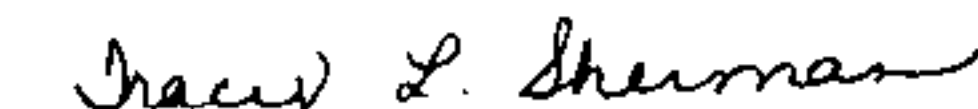
I have worked on the property on several occasions through the years, cruising timber and doing other things involved in the management of the land. In 1980, the bank leased the oil and gas rights to Anschutz Corporation. In 1990, an easement was granted across the property to J. Edward Gottier, as recorded in Real Record 321, Page 673, in Probate Office of Shelby County, Alabama. Also, in 1982, the timber on the property was sold to Bill Brown Sawmill. I know from personal knowledge that the bank and the heirs of the Estate of William G. Nichols been in actual, peaceable, notorious, continuous adverse possession of the W 1/2 of said forty, since at least 1969, when I came to work for the bank. I have never known anyone to question the title of Alabama Cooperage Company and their successors in title.

This affidavit is given to clarify the description of the property owned by the above parties.

Further the deponent saith not.


Thomas W. Paul

Sworn to and subscribed to before me
this 3rd day of February, 1994.
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Notary Public

My Commission Expires 11-15-95

Inst # 1995-04310
02/17/1995-04310
09:39 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MCD 8.50

Inst # 1995-04310